EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

In claim 6, please delete each occurrence of parentheses "()."

In claim 10, line 2, please delete the term "type."

In claim 14, please delete each occurrence of parentheses "()."

DETAILED ACTION

3. The Amendment filed by Applicant on 06/18/2009 has been entered.

4. Claims 2-3 have been canceled.

5. New claim 22 has been added.

Response to Amendment/Arguments

6. Applicant's amendment and arguments filed on 06/18/2009 have been fully considered and they are found persuasive.

7. The rejection of claims 1, 3-4, 6-9, 11-12, 14-16, 18 and 20-21 under 35 U.S.C. 102(b) as being anticipated by Diez et al., EP 0 640 384 A1 (hereinafter "Diez") is withdrawn.

Allowable Subject Matter/Reasons for Allowance

8. Claims 1 and 4-22 are allowed.

9. The following is an examiner's statement of reasons for allowance: The closest prior art located or identified by the Examiner is Diez and Okazawa et al., US 2006/0124034 (hereinafter "Okazawa"). Diez teaches a foaming agent comprising a nonionic defoaming agent (glycol species) and polyethylene oxide derivative with one terminal ionic end and the other terminal branched hydrocarbon. See Diez, pages 4-4, claims 1-2. Diez further teaches that the glycol species is dipropylene glycol monomethyl ether. See Diez, claims 9-10. Okazawa teaches an additive for a cement composition comprising: a polycarboxylic acid based copolymer and/or a salt thereof;

water-soluble cellulose ether and defoaming agent. See Okazawa, Abstract; ¶¶ {0006] to [0013]. The present invention differs from Okazawa and Diez in that the present invention requires a defoaming agent comprising a polyethylene oxide derivative having an end hydrophobic end group X with a branched structure and an unsaturated double bond and an anionic end group.

10. As of the date of this Notice of Allowability, the Examiner has not located or identified any reference that can be used singularly or in combination with another reference including Okazawa to render the present invention anticipated or obvious to one of ordinary skill in the art.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D.

Harlan whose telephone number is (571) 272-1102. The examiner can normally be reached on Mon-Thu, 10 AM - 8 PM.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (571) 273-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert D. Harlan/
Primary Examiner

Art Unit 1796

rdh